IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.422 OF 2007
IN
CRIMINAL APPEAL NO. 593 OF 2005

Sujit Madansingh Rathod ..Applicant
V/s
The State of Maharashtra ..Respondent.

Mr.V.V. Purwant, Advocate for the applicant.
Mrs. M.M.Deshmukh, APP for the State.

CORAM : J.H. BHATIA, J.
DATE : 23RD APRIL, 2007.

P.C.

. Heard Mr Purwant, learned Counsel for the applicant and Mrs.Deshmukh, learned APP for the State. The present applicant along with two others was convicted for the offence punishable under section 307 r/w section 34 of IPC and was sentenced to undergo R.I. for 10 years and to pay fine of Rs. 10,000/-. He has preferred an appeal. It is admitted.

2. Earlier all the three accused persons had filed bail application No.3974 of 2005 and that application was rejected on 3rd October, 2005, by this Court (Coram Smt.V.K. Tahilramani, J.).It was noted that the injured Saibaba has suffered five injuries. One injury was on the lateral part of the chest, another was on abdomen and three others on the different parts of the body.

The injuries were also caused by all the three accused persons. Later on in Criminal Application No.163/2006 by order dated 3rd August, 2006, one of the accused Kailash was granted bail by Hon'ble Smt. V.K. Tahailramani, J. Thereafter in Criminal Application No.251/2007 Hon'ble Smt. V.K. Tahilramani, J. granted bail to accused appellant Ashwini also. Accused Ashwini had stabbed on the abdomen of the injured, while the present applicant Sujit had allegedly stabbed on the chest on the lateral part. The allegations against the present applicant and Ashwini cannot be distinguished. Therefore, on the principle of parity the present applicant also deserves to be granted bail, particularly when he is also in jail for last about three and half years.

3. The applicant be released on bail in the sum of Rs.25,000/- with one or two sureties to make up the said amount subject to his depositing fine amount. He shall not enter within the jurisdiction of Malad Police station and shall also inform the PSO Malad Police station about his residential address after his release on bail and shall report at the nearest police station to that address once in a week till disposal of the

appeal

(J.H. BHATIA, J.)